

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 MCT-01 CIAE-00 DODE-00 PM-05
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01
SP-02 SS-15 USIA-06 /067 W
-----032699 021427Z /46
R 011750Z DEC 77
FM AMEMBASSY MONTEVIDEO
TO SECSTATE WASHDC 5361

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E.O. 11652: N/A
TAGS: SHUM, UY
SUBJ: HUMAN RIGHTS - SHOW TRIAL OF FOUR TERRORISTS

REF: A. MONTEVIDEO A-77, B. MONTEVIDEO A-76

1. THE NOVEMBER 15 PUBLIC HEARING OF REQUIRED APPEALS BY FOUR ALLEGED TUPAMAROS BEFORE THE SUPREME MILITARY TRIBUNAL, THE HIGHEST COURT IN THE MILITARY JUSTICE SYSTEM, WAS EXTENSIVELY PUBLICIZED BY PRO-GOVERNMENT MEDIA. SUCH TRIALS ARE RARE EVENTS AND ARE STAGED BY THE GOU TO SHOW OFF THE MILITARY JUDICIAL SYSTEM AND TO DEMONSTRATE ITS EFFICIENCY. THE NOVEMBER 15 TRIAL PROVIDED SOME INTERESTING INSIGHTS INTO THE OPERATION OF THIS SYSTEM.

2. ALL FOUR OF THE PRISONERS WERE ACCUSED OF INVOLVEMENT IN THE 1972 MURDER OF AN ASSISTANT POLICE CHIEF AND HIS DRIVER. IN ADDITION, THE LEADER OF THE GROUP, WHO HAD ESCAPED FROM PUNTA CARRETAS PRISON IN 1972, WAS ACCUSED OF THE SUBSEQUENT MURDER OF THE PRISON'S CHIEF INSPECTOR (WHO HAD REPORTEDLY REFUSED TO COLLABORATE IN THE ESCAPE ATTEMPT). HE WAS ALSO ACCUSED OF THE MURDER OF ANOTHER POLICE
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INSPECTOR IN 1969.

3. THE FOUR PRISONERS, HANDCUFFED, WITH SHAVEN HEADS, WERE ATTIRED IN BAGGY PRISON UNIFORMS. THE CHARGES WERE READ AND THE DEFENSE LAWYERS PLEADED THEIR CLIENTS' CASES. THE LAWYERS ARGUED ONLY FOR A REDUCTION IN THE SENTENCES; NOT QUESTIONING THE

GUILT OF THE PRISONERS, BUT ONLY THE DEGREE OF THEIR GUILT. THE PROSECUTOR THEN ROSE AND RECITED THE CRIMES, EMPHASIZING THEIR GRAVITY AND COLD-BLOODED RUTHLESSNESS. HE ASSERTED THAT, DURING THEIR PERIOD WITH THE MLN/TUPAMAROS, THE ACCUSED HAD "FORSAKEN EVERY TRACE OF RESPECT FOR HUMAN DIGNITY". LASTLY, HE ARGUED AGAINST ANY REDUCTION OF SENTENCE BECAUSE OF THE DIFFICULTY IN REHABILITATING "THIS TYPE OF CRIMINAL". FOLLOWING A BRIEF ADJOURNMENT TO DELIBERATE, EACH OF THE PRISONERS WAS GIVEN THE MAXIMUM ALLOWABLE SENTENCE FOR HIS CRIMES PLUS ADDITIONAL PENALTIES, RANGING FROM THREE TO TWELVE YEARS, UNDER THE PROVISIONS OF "ELIMINATING SECURITY MEASURES"(ESM). THESE PERMIT THE COURT TO INCREASE THE SENTENCE OF PERSONS WHOSE FREEDOM IS JUDGED TO BE A DANGER TO THE SOCIETY. ALL OF THE PRISONERS HAD THEIR ORIGINAL SENTENCES REAFFIRMED, EXCEPT ONE, WHOSE SENTENCE WAS INCREASED BY FIVE YEARS.

4. AFTER THE HEARING, THE PRESIDENT OF THE SUPREME MILITARY TRIBUNAL, COLONEL FEDERICO SILVA LEDESMA, HELD A PRESS CONFERENCE AT WHICH HE COMMENTED THAT, SINCE ITS REORGANIZATION IN 1975, THE TRIBUNAL HAD HEARD 420 CASES IN WHICH 596 PRISONERS HAD BEEN SENTENCED AND 187 HAD BEEN FREED. HE STATED THAT THIS NUMBER REPRESENTS LIMITED OFFICIAL USE

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60 PERCENT OF ALL PRISONERS WHO HAVE "ENTERED THE SYSTEM". HE PROUDLY ASSERTED THAT THIS DISPROVED AMNESTY INTERNATIONAL'S PREDICTION THAT THE SYSTEM COULD PROCESS ONLY 48 CASES PER YEAR, AND THAT 25 YEARS WOULD BE REQUIRED TO CLEAR THE DOCKET.

5. COMMENT: SILVA LEDESMA'S NUMBERS AND DEPICTION OF THE OPERATION OF THE MILITARY TRIBUNAL ARE GENERALLY CONSISTENT WITH THE EMBASSY'S ANALYSIS (SEE REAIRS). HOWEVER, HE NOTABLY DID NOT COMMENT ON THE CENTRAL QUESTION OF THE NUMBER OF PRISONERS WHO HAVE NOT "ENTERED THE SYSTEM", AND OVERLOOKED THE FACT THAT IT TOOK FIVE YEARS FOR THE MILITARY JUDICIAL SYSTEM TO FINALLY DISPOSE OF THE CASES DISPLAYED TO THE PUBLIC THAT VERY DAY. PEZZULLO

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, TRIALS
Control Number: n/a
Copy: SINGLE
Sent Date: 01-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MONTEV05564
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770447-0837
Format: TEL
From: MONTEVIDEO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197712105/aaaadlfg.tel
Line Count: 111
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d6f5cefb-c188-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 MONTEVIDEO A-77, 77 MONTEVIDEO A-76
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 113309
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS - SHOW TRIAL OF FOUR TERRORISTS
TAGS: SHUM, UY
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/d6f5cefb-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009